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## VIRGINIA AND THE QUEBEC BILL

IN 1774 there came for the first time a sharp conflict between Virginia and the home government as to jurisdiction over the territory north of the Ohio. The interpretation which Virginia had always given to the somewhat obscure definition of her bounds in the charter of 1609, had been long denied by France, and when that contested region was wrested from France, the peace of 1763 had limited its western extension by the Mississippi. The royal proclamation, which soon followed, had prevented the pushing of settlements thither, but had not given it over absolutely to other jurisdiction. Ten years or more later, while Virginia was waging war against the savages thereabouts, to enforce her claim and protect her settled frontiers, the British Parliament strove to put a limit to her territorial pretensions in this direction, by giving the Quebec government an absolute jurisdiction over the region. There were other purposes, both ostensible and latent, in this legislative movement, which were entered upon to curb not only Virginia, but the other seaboard colonies, in an inevitable westward march.

Ever since Carleton had been in command in Quebec, he had felt the necessity of yielding something more to the French Canadians than had been allowed by the capitulation at Montreal in 1760, and by the acts of 1763. He contended that a further concession could alone make them good British subjects, and that a guarded revival of French law, customs, and religion, while placating 150,000 Catholics of the province,—as Carleton counted them, though his estimate is probably much too large,—would not seriously impair the fortunes of four hundred Protestants, their fellow-subjects. In 1770 Carleton had gone to England, leaving in his place Cramahé, a Swiss Protestant in the English service. During the four years of his absence, Carleton was in occasional consultation with the ministry, about what seemed to him some needed transformation of the government of the province. This consideration was at times affected, and perhaps shaped, by petitions of the Canadians, not largely signed, and forwarded by Cramahé. They touched the restoration of French laws and a rehabilitation of the Catholic religion.

While such questions were in abeyance, the revolutionary commotions in Boston did not fail to render of doubtful continuance the loyalty of the seaboard colonies. If such disaffection could not be stamped out, it became a question of restraining it by territorial bounds, and covertly if not openly. This danger had already delayed the entire fulfilment of the Vandalia project south of the Ohio. It was known that there was a tide of immigration rolling along the Ohio, and, in spite of the agreement at Fort Stanwix, threatening its northern banks. It was necessary then to find some barrier to check the current lest it should buoy up the seething commotions of the seaboard. No such barrier was so obvious as that which the French had attempted to maintain in the recent war,—the line of the St. Lawrence and the Alleghanies. To make this barrier effective, it was necessary to consolidate, as far as possible, the region behind it in a single government. Murray and his successor, Carleton, had already urged an extension of their executive authority from Quebec westward, and the opportune time had come for doing it, under an ostensible plea of regulating the fur trade of the region. If the traders were gratified by such professions, the debates and remonstrances show that the proposed reinstatement of the Roman Church and the suppression of English law drew out fervent opposition; and there is, moreover, no evidence that the Canadians themselves, as a population, felt any elation over the prospect. This may have been due in some part to a latent sympathy among them with the revolutionary classes of the older colonies,—a sympathy with which Congress, as it turned out, blundered in an attempt to deal.

A new petition from Canada, dated February, 1774, and signed by only sixty-five persons, asked for a restoration of the "old bounds of Canada," over which the English and French had so long disputed, and the ministry in granting it were ensnared into the somewhat ridiculous acknowledgment of what they had formerly denied. To restore such limits, however, would please the Canadians and some fur-traders, and became a good cloak for ulterior purposes respecting the seaboard colonies.

Immediate opposition naturally came from the Penns, whose proprietary rights would be curtailed, and from Virginia, whose royal governor, interested with many of her people in land schemes in the Illinois country, was already preparing for an invasion of the territory. The movement for a colony north of the Ohio, over which Franklin and Hillsborough had contended, had come to naught, much to the relief of Virginia; but here was a project seeking the active sanction of Parliament, and likely to thwart

any purpose which her royal governor might have of issuing patents to this very land.

Dunmore was a man not easily balked. He had already taken possession of Fort Pitt despite the protests of Penn, and was determined to hold it as a gate to the over-river country of Virginia. This precipitate conduct had alarmed Haldimand, the military head of the Continent, lest the distractions of this intercolonial land-dispute should embolden the savages to take an advantage. Both sides arrested settlers engaged in vindicating their respective colonies, and the trouble had become so alarming in the spring of 1774, that both colonies sought, but without avail, to compromise the dispute. Surveyors of both sides were rushing to the contested region, and plotting their claims. The Indians, observing this, and disappointed that the delay in the organization of the Vandalia colony had deprived them of purchase money for their lands, and fearing to lose them through occupation by rival claimants, grew troublesome along the frontier. This condition was not altogether unwelcome to Dunmore. It gave the color of necessity to a proclamation (April 25, 1774), ordering the militia to be in readiness. By this force he might intimidate Pennsylvania, punish the Indians, and maintain the sovereignty of Virginia beyond the Ohio.

A few score men, land-grabbers and adventurers, had already assembled at the mouth of the Kenawha, and a hunting party sent out by them had been attacked by wandering Shawnees. As the spring wore on these bold fellows at the Kenawha, animated by a desire for revenge, resolved on a sudden onset upon the Indian towns on the Scioto, in the disputed territory. They sought a famous frontiersman, Cresap, for a leader, and returning up the Ohio to the site of the modern Wheeling, recruited their body by additional hotheads, with whom it mattered little whether the stories of murders, which were increasing, were of whites by savages, or of the Indian by the frontiersman,—and there was no dearth of either kind of tale. Zane, the principal settler of this spot, as well as Cresap counselled moderation, at least at times; but the trepidation was too wide-spread for perfect restraint. One observer tells us that in a single day a thousand bewildered settlers crossed over the Monongahela towards the east, and the whole country was finally stripped of inhabitants, except they were "forted."

The war, if it came, was sure to have one advantage for the whites, and that was the single and unhampered purpose of Virginia to maintain her own, and this she was prepared to do without the aid of her neighbors.

Sir William Johnson in New York was doing his best to restrain the Iroquois, but that part of these confederates which had advanced into the modern state of Ohio could not be restrained from making common cause with the Delawares and Shawnees.

Logan was one of these migrated Iroquois, and it was his fate to become the pivot of events. A small camp of his family and followers, on the north side of the Ohio, crossing the river to get rum, was set upon and killed by some lawless whites. Indian runners spread the news of the massacre, and Logan was soon, with such a band as he could gather, spreading devastation along the Monongahela and Holston,—and Dunmore's war was begun.

The country north of the Ohio, where Dunmore expected to operate, was designated in the parliamentary bill, now near its passage, as "heretofore a part of the territory of Canada." This phrase struck sharply at the pride of Dunning and others, jealous of English honor, and Lord North at one time proposed to leave the words out. It was urged by the opposition that under such an acknowledgment, if the time should ever come for France to regain Canada in a diplomatic balance, she could fairly contend for this conceded limit. While this apprehension strengthened the opponents of the bill in England, the news of its progress through Parliament brought other fears to land speculators in Virginia. Some travellers and adventurers in the summer of 1773 had formed a company at Kaskaskia which became known as the Illinois Land Company, and with these the governor and various gentlemen of tide-water Virginia were associated. They had bargained with the Indians for large tracts of land, and the deed had been passed. Was their purchase now imperilled by this bill? What was to be the effect of the measure upon the French traders and denizens of that country and upon their relations to the Indians? Haldimand was endeavoring to get what information he could of the condition of that country. He was instructing Lieutenant Hutchins to leave Pensacola and take the route north by the Mississippi, so as to bring him reports. Later still he sent Lieutenant Hall to placate the Indians, and prepare the French settlers for the stabler rule of the new bill. Gage in London was not less anxiously consulting with North and Dartmouth, and conferring with Carleton about its provisions. Haldimand was meanwhile constantly reporting new disorders on the Ohio, with a suspicion of French intrigue behind the savage irruptions, and there was need of haste in applying the assuaging effects of the bill. But its opponents were questioning the scheme because they thought

it hopeless and unpatriotic to check an inevitable westward progress. Haldimand understood the real purpose of its promoters, when he said that the bill was aimed at preventing the Americans getting possession of the continent. Lord Lyttelton recognized the fact that to confine the Americans by such a barrier was to thwart their contest for empire. Wedderburn said distinctly that it was one object of the bill to prevent the English settling in that country, and that the new barrier would allow "little temptation" to send settlers north from the *Vandalia* grant.

It was not only this territorial expansion of Quebec, but the concessions which the bill made to French Catholics, greater than any English Romanist could dare expect, and the grant of French law in British territory, which increased the steady aversion to it of English merchants, and which aroused the lord mayor and magistrates of London, because they supposed it imperilled British honor. For the seaboard colonists to enter that territory and find French law instead of English law, and to encounter an established Catholic religion, was not likely to strengthen the loyalty whose decadence the ministry was deplored in the older colonies. However politic the modern historian may think this rehabilitating of French customs to have been for the vastly preponderating French element north of the St. Lawrence, to include the Ohio country in such provisions is not approved even by such defenders of the ministerial policy as Kingsford, the latest historian of Canada. There is indeed little to support the charges that the bill was but the first step in reducing "the ancient, free, Protestant colonies to the same state of slavery," by setting up "an example and fit instrument for introducing the same absolute rule in these colonies." These were phrases used by Congress in an address to the people of Great Britain a few months later (October 21, 1774) and still more solemnly in the Declaration of Independence. They were simply loose sentences used for political ends. The parliamentary opposition, which was dignified by the support of Chatham and Burke, never ventured to think of any such effect as proceeding on the Atlantic side of the Alleghanies from these untoward provisions, whatever the bravado utterances of Thurlow may have indicated. The bill, passing the Commons on June 13, while Logan was rendering an Indian war in the designated region inevitable, went with amendments to the Lords. In this body, with a scant attendance of members, and after the season was so far advanced that many weary peers had gone to their estates, it was passed on June 18, and four days later was approved by the king.

Before the news could reach Virginia, but while the prospect seemed certain that such a bill would become law, Dunmore, on July 12, instructed Andrew Lewis to descend the Kenawha with a force and cross the Ohio into the Shawnee country. Major McDonald gathered some seven hundred sturdy fighters at the settlement of Zane (Wheeling), whence he shortly dashed upon some Shawnee villages on the Muskingum, and won the first success of the war. By the last of September, when Dunmore arrived to take command, there were some thirteen hundred men at Wheeling.

The real stroke of the war came on the very site of the contemplated capital of Vandalia, in the angle formed by the junction of the Kenawha with the Ohio,—Point Pleasant as it was called. The conflict here was the most hotly contested fight which the Indians ever made against the English, and it is all the more remarkable as it was the first considerable battle which they had fought without the aid of the French. Lewis, on arriving at the spot, learned from Dunmore's messages, which the governor's scouts had hidden near by, that the governor with his forces would be on the Ohio at a point higher up, where Lewis was instructed to join him. The next day new orders came, by which it appeared that Dunmore intended to turn up the Hockhocking River, and that Lewis was expected to cross the Ohio and join him in the Indian country. When Lewis was thus advised, his rear column had not come up and his trains and cattle were still struggling in the wilderness. The force which he had with him at Point Pleasant was a motley one, but for forest service a notable body, and not a frontier settlement but had contributed to it.

While Lewis was making ready to obey orders, a squad of men, out hunting, discovered that a horde of Indians was upon them. Cornstalk, a Shawnee chief, had divined Dunmore's plan and, with a strategic skill unusual with Indians, had crossed the Ohio for the purpose of beating his adversary in detail. The opposing armies were much alike in numbers, say eleven hundred each — perhaps more — and in forest wiles the difference was hardly greater. Cornstalk soon developed his plan of crowding the whites toward the point of the peninsula. Lewis pushed forward enough men to retard this onset, while he threw up a line of defence, behind which he could retire if necessary. He sent, by a concealed movement, another force along the banks of the Ohio, which gained the Indians' flank, and by an enfilading fire forced the savage line back. In the night, Cornstalk, thus worsted, recrossed the Ohio.

Meanwhile Dunmore, ascending the Hockhocking, marched

towards the Scioto, making some ravages as he went. Cornstalk, after his defeat, had hurriedly joined the tribes opposing Dunmore, but he found them so disheartened by his own discomfiture, that he soon led a deputation to Dunmore's camp, and proposed a peace. The governor, hearing of Lewis's approach, and not feeling the need of his aid in the negotiations, and fearing that the elation of the victorious borderers might disquiet the now complacent tribes, sent messages to Lewis, that he should withdraw, which Lewis reluctantly did. A treaty followed, and Dunmore got all he hoped for by bringing peace, in re-establishing a new hold for Virginia upon the territory, which, as he later learned, was on the first of the following May to pass, by action of Parliament, under a new jurisdiction. The grasp, which Virginia had now taken, was to be of great importance in the coming struggle with the king, for she had administered a defeat to the Indians, which was for some time to paralyze their power in that region. It was a grasp that Virginia was not to relax till she ceded her rights in this territory to the nascent union when the revolt of the colonies was ended,—a hold that before long she was to strengthen through the wisdom and hardihood shown in her capture of Vincennes.

Before the battle of Point Pleasant had decided the fate of the Indians, the passage of the bill, which in early summer had created so little attention in Parliament, was met in London by "a prodigious cry" in September,—a clamor that William Lee, then in England, did his best to increase by "keeping a continual fire in the papers." The bill was not to go into effect till the spring of 1775, and Carleton having returned to Canada, Dartmouth in January sent him instructions about putting it in force. The minister's letters must have crossed others from the governor, informing him of the opposition to the bill even among the French people of the province, and of the measures which the revolting colonies were taking to gain the Canadians to their cause. In Montreal the bust of the king had been defaced.

Already in the previous September, Congress had re-echoed the "prodigious cry" of London, and had declared the re-establishment of the Catholic religion in Quebec to be "dangerous in an extreme degree;" but this mistake in language was discovered, and John Dickinson drafted for that body a conciliatory address to the Canadians, which, in March, 1775, Carleton informed Dartmouth the disaffected on the St. Lawrence were printing and distributing in a translation. Within a year the lesson of prudence had been forgotten, and singularly enough while Congress (February 1776) was appointing a commission, with one Catholic member

(Charles Carroll) and a Catholic attendant, to proceed to Montreal, the ardent Huguenot blood of John Jay had colored an address of Congress to English sympathizers by characterizing the Catholic faith "as a religion fraught with sanguinary and impious tenets." It was only necessary for the loyal Canadians to translate and circulate Jay's imprudent rhetoric to make the efforts of the commissioners futile. Congress again grew wiser when it framed the Declaration of Independence, and Dr. Shea has pointed out that the allusion to the Quebec bill in that document is "so obscure that few now understand it, and on the point of religion it is silent."

Congress thus failed to undo the Quebec Act by gaining the people it was intended to shield; and it was left for Virginia, under a pressure instigated by Maryland, to make the territory, of which Parliament would have deprived her, the nucleus of a new empire beyond the mountains.

JUSTIN WINSOR.